

SECOND REGULAR SESSION

SENATE BILL NO. 1368

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4822S.011

AN ACT

To amend chapter 337, RSMo, by adding thereto eleven new sections relating to regulation and licensing of professional addiction counselors, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 337, RSMo, is amended by adding thereto eleven new sections to be known as sections 337.800, 337.803, 337.806, 337.809, 337.812, 337.815, 337.818, 337.821, 337.824, 337.827, and 337.830 to read as follows:

337.800. 1. As used in sections 337.800 to 337.830, the following terms mean:

(1) "Addiction counseling", the use of applied science and addiction related and relevant theories and methodologies in the observation, description, evaluation, interpretation, and modification of human thought and behavior as it relates to the harmful or pathological use of, abuse of, dependency on, or addiction to alcohol, drugs, other psychoactive substances, psychoactive technology or technological products, or other addictive behaviors such as gambling and sex addiction, by the application of the core functions as defined in subdivision (3) of this section. Addiction counseling does not include diagnosing mental diseases but does include the assessment of mental diseases as they may coexist with an alcohol or drug use, abuse, dependency, addictive disorder, or problem. The practice of addiction counseling includes, but is not limited to, the following activities, regardless of whether the addiction counselor receives compensation for the activities:

(a) Assisting individuals or groups who use or abuse alcohol or drugs or engage in addictive behaviors, evaluating the substance use, abuse, dependency, or addictive behaviors and recognizing if a developed or developing addiction exists;

(b) Assisting individuals or groups with substance use, abuse, dependency, or addiction problems to gain insight and motivation aimed at resolving such

problems;

(c) Providing experienced professional guidance, assistance, and support for the individuals' efforts to develop and maintain a responsible and functionally independent lifestyle;

(d) Development of individualized treatment planning to help insure long-term recovery and support relapse prevention efforts;

(e) Providing addiction prevention, intervention, and awareness information and other education for individuals and groups;

(f) Proactive consultation with other professions;

(g) Recognition of specific forms of addiction problems such as gambling addiction, sex addiction, and other problems which may coexist with, or parallel addiction problems, and which may be outside the scope of the addiction counselor's specialized training, experience, skills, or competence, and referring the client to other, more appropriate addiction professionals, or other professional care;

(h) Providing evidence based services pursuant to this section to family members or others affected by someone who abuses or is dependent on alcohol or drugs or is addicted; and

(i) Developing and assisting in addiction related research;

(2) "Board", the board of licensed addiction counselors, established in section 337.827;

(3) "Client", the individual who is suspected of, or has been assessed as, having an alcohol or drug use, misuse, abuse, dependency, or addiction problem and has placed themselves, or have been placed, in the care of a qualified addiction counseling professional such as a licensed addiction counselor or other qualified addiction care professional as defined in subsection 2 of section 337.803;

(4) "Core functions", the following evidence based practical services provided in the treatment of addiction:

(a) Screening, defined as the process by which the client is determined appropriate and eligible for admission to a particular program or form of care;

(b) Intake, defined as the administrative and initial procedures for admission to a program or form of care;

(c) Orientation, defined as describing to the client the general nature and goals of the program, rules governing client conduct and infractions that may lead to some form of responsible and ethical disciplinary action or, suspension or discharge from the program, the hours during which services in a nonresidential program are available, treatment costs, if any, to be borne by the client and client rights;

(d) Assessment, defined as those procedures by which a licensed addiction counselor identifies and evaluates an individual's strengths, weaknesses, problems, wants, and needs in all areas of the basic human potentials, for the development of an individualized intervention or a treatment plan;

(e) Treatment planning, defined as those procedures by which the licensed addiction counselor and the client identify and rank problems needing resolution, on an initial and ongoing basis and establish agreed upon immediate and long-term goals, and decide on an individualized treatment process and the resources which may be utilized in achieving the established goals;

(f) Case management, defined as identifying and coordinating those recovery supportive resources, services, agencies, and individuals which, within a planned framework of action may be instrumental in the achievement of established goals;

(g) Counseling, defined as the utilization of special, evidence based skills and applied science and science based theory in addiction counseling, to assist individuals, families, or groups, in achieving realistic and functional goals and objectives through the individualized exploration of a problem and all of its ramifications; in depth examination of thought patterns, feelings, attitudes, and behaviors; and the development of alternative methods of thought processing and decision making and seeking new and more functional solutions to various life situations;

(h) Client education, defined as the provision of current and evidence based information to individuals and groups concerning alcohol or drug use, abuse, dependency, and addiction in any form, coexisting mental illness, and the currently available services and resources;

(i) Consultation with other professions and professionals, defined as communicating with other professions and professionals in regard to client treatment and services to assure comprehensive, quality care for the client, especially as multiple disorders and other problems may be evident;

(j) Crisis intervention, defined as the use of those services and resources that may respond best to an alcohol or drug user's, abuser's, dependent's, or addict's needs during acute mental, emotional, behavioral, or physical distress;

(k) Referral defined as identifying the needs of the client that cannot be met by the licensed addiction counselor, program, or agency and assisting the client in finding and utilizing the various available support systems and available community resources;

(l) Reports and record keeping, defined as charting the results of the assessment and treatment plan, writing reports, progress notes, discharge

summaries, and any other client-related data which may be pertinent to the case while maintaining record confidentiality as defined in 42 CFR Part 2;

(5) "Department", the department of economic development;

(6) "Director", the director of the division of professional registration in the department of economic development;

(7) "Division", the division of professional registration in the department of economic development;

(8) "Fund", the board of licensed addiction counselors fund, created in section 337.830;

(9) "Licensed addiction counselor", a person to whom a valid license has been issued pursuant to sections 337.800 to 337.830, whose license is active and not suspended or revoked;

(10) "Treatment", an evidence based, recovery or change oriented process being utilized in dealing with alcohol or drug use, misuse, abuse, dependency, or addiction related problems.

337.803. 1. No person shall use the title of substance abuse counselor, addiction counselor, alcoholism or alcohol counselor, drug or drug abuse counselor, qualified addiction professional, or any similar terminology related to the practice of addiction counseling, or engage in the practice of addiction counseling in this state unless the person is licensed as required and defined by the provisions of sections 337.800 to 337.830.

2. The provisions of sections 337.800 to 337.830 shall not apply to the following:

(1) A physician who has American Society of Addiction Medicine (ASAM) certification or other documented specialty education and training in addiction counseling or related treatment, and who is currently licensed pursuant to chapter 334, RSMo;

(2) A licensed professional counselor or provisional licensed professional counselor who has documented specialty education and training in addiction counseling, and who is currently licensed pursuant to sections 337.500 to 337.540;

(3) A licensed psychologist, temporary licensed psychologist, or provisional licensed psychologist who has specialty certification or documented specialty education and training in addiction counseling, and who is currently licensed pursuant to sections 337.010 to 337.093;

(4) A licensed clinical social worker or provisional licensed clinical social worker who has documented specialty education and training in addiction counseling, and who is currently licensed pursuant to sections 337.600 to 337.639;

(5) A licensed marital and family therapist who has documented specialty

education and training in addiction counseling, and who is currently licensed pursuant to sections 337.700 to 337.739;

(6) An ordained minister, rabbi, or religious worker who has documented specialty education and training in addiction counseling, and who is providing addiction counseling, prevention, or intervention efforts within the scope of his or her duties within a recognized and organized church, synagogue, or setting affiliated with an established and recognized religious organization as defined by board rule;

(7) A school counselor certified by the department of elementary and secondary education if the school counselor has documented specialty education and training in addiction identification, prevention, or counseling and is performing assigned board of education or private school administration;

(8) Any activity or service of a student, intern, or resident in counseling, psychology, social work, or marital and family therapy seeking to fulfill the licensure requirements of those professions, or an addiction counselor seeking to fulfill educational and experiential requirements to qualify for a license, or an individual seeking to fulfill the substance abuse counselor certification requirements as established by the Missouri Substance Abuse Counselors Certification Board, Inc., or board approved equal certification body, pursuant to sections 337.800 to 337.830, or an individual seeking to fulfill the post degree experience requirements to qualify for licensing pursuant to sections 337.800 to 337.830, if the activities and services are supervised by a qualified addiction professional or educator as defined by board rule. Such student, intern, or resident in addiction counseling shall be designated as an addiction counseling intern or addiction counseling resident, or other designation of training status as defined by board rule. Nothing in this section shall be construed to permit any student, intern, or resident to offer his or her services as an addiction counselor to any other individual or accept remuneration for addiction counseling services other than as specifically exempted by sections 337.800 to 337.830, unless such person has a license issued pursuant to sections 337.800 to 337.830;

(9) An individual not licensed pursuant to sections 337.800 to 337.830 who is participating in an established and recognized self-help group, as may be defined by the board, so long as such individual does not hold himself or herself out to the general public to be an addiction counselor or some similar terminology indicating professional status and accept any remuneration;

(10) A Certified Addictions Registered Professional Nurse as certified by the International Nurses Society on Addictions or board approved equal certifying body or a licensed practical nurse or BSN who has documented specialty education

and training in addiction counseling acceptable to and as defined by the board, who is currently performing assigned duties within the scope of his or her employment in a hospital, clinic, private practice, addiction treatment center or similar medical or behavioral health care facility, and who is licensed pursuant to sections 335.011 to 335.096, RSMo;

(11) An educator, researcher, writer, journalist, consultant, or similar educational information provider, as defined by board rule, providing addiction related education, information or consultation to individuals or groups within the course of his or her regular occupational duties;

(12) A certified, or provisionally certified, employee assistance program counselor, as certified by the Employee Assistance Professionals Association certification commission, or board approved equal certifying body, who has documented specialty education and training in addiction counseling, and who is working in an employee assistance program and performing within the normal scope of duties of his or her certification and the program as defined by the company's or organization's current EAP policy and procedure manual; or

(13) A certified department of transportation substance abuse professional holding current certification and meeting current standards as defined by the Federal Department of Transportation so long as those services they are providing in the state of Missouri are strictly department of transportation related.

3. Beginning August 28, 2005, no person shall hold himself or herself out as a licensed addiction counselor or practice addiction counseling unless such person complies with all educational, training and examination requirements, and is licensed in accordance with sections 337.800 to 337.830 with exception those exempted in subsection 2 of section 337.803.

4. A licensed addiction counselor shall practice within the scope of addiction counseling as defined in section 337.800 to 337.830 with exception; those professionals who also hold license in the state of Missouri to practice within the scope of another behavioral health related profession as defined in subsection 2 of section 337.803.

5. A licensed addiction counselor or other professional authorized pursuant to the provisions of sections 337.800 to 337.830 to provide addiction counseling services shall be covered by and maintain adequate professional liability insurance coverage as defined by board rule.

337.806. Nothing in sections 337.800 to 337.860 shall be construed as requiring any agency, corporation or organization, not otherwise required by law, rule, or regulation, to employ licensed addiction counselors, with the exception of any licensed addiction counselors in private practice, who shall be deemed to be

qualified substance abuse or dependency or addiction counseling professionals and providers of substance abuse, dependency, and addiction counseling, consultation, and educational services in all cases, without exception, required by law, rule, or regulation.

337.809. 1. An applicant for licensure as an addiction counselor shall complete and submit to the board a written application form as prescribed by the board. The application shall contain the applicant's education, experience and such other information that the board requires by rule. Each application shall be made under oath or affirmation and include a statement that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board as defined by rule.

2. Each license issued pursuant to the provisions of sections 337.800 to 337.830 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months, except that the director may establish a shorter term for the first licenses issued pursuant to sections 337.800 to 337.830. The board shall renew any license upon proper application for renewal and payment of the appropriate license renewal fee established by the board, and upon submission of documentation showing completion of the required minimum continuing education credits. The number of hours and the method for completing, reporting and documenting the required continuing education hours or credits, including any authorized carry-over credits from prior periods, shall be as defined by board rule.

3. The division shall mail a renewal notice to the last known address of each licensee at least forty-five days prior to the renewal date. Notwithstanding such notice requirement, any licensee who fails to receive a license renewal notification from the division shall not be excused from renewing his or her license as required by law.

4. Failure to provide the board with the information required for a license renewal or to pay the license renewal fee shall cause the license to expire. The license may be reinstated if, within two years of the license renewal date, the applicant submits written application to the board, meets the licensing requirements in effect at the time application is made and pays the applicable fees as defined by board rule.

5. A license may be placed into suspension for a period of time and any fee that may be defined by board rule. This may be a disciplinary suspension or a licensee elective suspension, however, the requirement to maintain the CEU's

required for the period of suspension shall remain in effect since maintaining currency in education and technique to qualify for license reinstatement.

6. A new license certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board.

7. The board shall set the amount of fees authorized by sections 337.800 to 337.830 and shall review the amount of those fees on a regular or emergency basis as determined by board rule. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering the provisions of sections 337.800 to 337.830. All fees provided for in sections 337.800 to 337.830 shall be collected by the director and deposited with the state treasurer to the credit of the board of licensed addiction counselors fund created in section 337.830.

337.812. 1. An applicant for license as an addiction counselor shall furnish evidence to the board that:

(1) The applicant meets the state licensing requirements as defined by board rule;

(2) The applicant has completed acceptable experience in addiction counseling as defined by board rule;

(3) The applicant has a bachelor's degree in addiction studies or closely related behavioral health education, which included a significant number of credits in addiction studies, from an accredited college or university and has completed a practicum or internship in addiction counseling as defined by board rule; or

(4) The applicant has a master's degree in addiction studies or closely related behavioral health care education, which includes a significant number of credits in addiction studies, from an accredited college or university and has completed a practicum or internship or similar professionally supervised clinical experience in addiction counseling as defined by board rule; or

(5) The applicant is currently certified as a certified advanced substance abuse counselor as certified by the Missouri Substance Abuse Counselors Certification Board, Inc., or board approved equal certifying body, or holds a valid advanced or master's level certification from some other state having an equivalent and acceptable certifying body, as shall be defined by board rule; or

(6) The applicant is currently a level II certified substance abuse counselor, as certified by the Missouri Substance Abuse Counselors Certification Board, Inc., or a board approved equal certifying body, or is currently certified as a level II national certified addiction counselor or master addiction counselor, as certified by the National Association of Alcohol and Drug Abuse Counselors Certification

Commission or a board approved equal certifying body:

(a) Has completed a total of ten years full-time (twenty thousand hours) experience working in the addiction field as an addiction counselor which may include documented time completed as a trainee or intern; or

(b) Has completed a minimum total of four hundred fifty contact hours or the equivalent in college credit hours, where one board approved college credit hour shall equal fifteen contact hours, or any combination thereof, in formal addiction studies and closely related behavioral health education as defined by board rule; and

(7) The applicant is at least twenty-one years of age and is of good moral character; and

(8) The applicant has taken and passed an examination, as defined by board rule, demonstrating that the applicant possesses the requisite knowledge of the profession; except that, for a period of twenty-four months from the effective date of sections 337.800 to 337.830, all qualified applicants for addiction counselor licensing shall be exempt from examination.

2. As defined by board rule and with the advice of the director of the division of professional registration and the director of the department of mental health, and in conjunction with the Missouri Substance Abuse Counselors Certification Board, Inc., and the Missouri Addiction Counselors Association, Inc., board of directors, or such successor associations or boards of professional addiction counselors as may be approved by the board, the board shall adopt an examination for licensing as an addiction counselor. The purpose of the examination is to verify the applicant possesses the requisite knowledge of the profession, including the most current evidence based technologies, techniques and applications, current research, its interpretation and effective clinical application, and current ethical standards for the addiction counseling profession. The examination must fulfill this stated purpose in total, now and in the future, and may be developed and administered by other organizations acceptable to the board and offered on a regional or national basis. The examination process shall be reviewed by the board on a regular or as needed basis, and within a maximum period of every three years, to determine that the examination content continues to represent the current state-of-the-art within the field of addiction counseling treatment, with the review process conducted in a manner as defined by the board.

3. Any person, holding a current, un-revoked license, certificate, or registration in addiction counseling, that has been issued by another state, country or territory of the United States, having substantially the same or higher requirements as this state, for addiction counseling licensing, may be granted a

license by reciprocity to engage in the practice of addiction counseling in this state, upon submitting an application to the board accompanied by the appropriate fee, as established by board rule. The board shall review the certification and licensing requirements for the relevant state, country or U.S. territory to determine the equivalency to Missouri addiction counselor licensing requirements and the board ruling shall be considered final, subject to appeal.

4. The board may issue a provisional license to practice addiction counseling, as defined by rule. A provisional license may be issued for a period not to exceed twelve months, for a fee which shall be determined by board rule, and which may be extended, after payment of the board determined fee, for an additional six months at the discretion of the board and as defined by board rule. Any person granted a temporary license to practice addiction counseling shall comply with all applicable laws, rules, regulations and ethical standards related to licensed addiction counseling within the state of Missouri.

5. Any person that does not meet the experience or educational requirements set forth in subsection 3, 4, or 5 of this section may submit an application to obtain a limited license to practice addiction counseling under the supervision of a qualified licensed addiction counselor. The board shall promulgate rules defining the requirements of limited licensing, including the requirements of supervision and the practice limitations imposed by this limited license.

6. Any applicant for licensing or limited licensing as an addiction counselor shall authorize the board to conduct a criminal background check. The applicant shall pay a fair and reasonable cost for the background check. Except as otherwise specifically provided by law, no applicant for license or limited license shall be denied solely on the grounds that an applicant has been previously convicted of a felony per section 620.135, RSMo.

337.815. 1. The board, as deemed relevant and needed, shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.800 to 337.830, and the procedures for filing an application for an initial or renewal license in this state;

(2) The fees required by sections 337.800 to 337.830;

(3) The content, conduct and administration of the licensing examination required by section 337.812;

(4) The educational and experience requirements set forth in section 337.812;

(5) The establishment, as may be proven to be needed, of practitioner levels

of addiction counselor licensing. Practitioner levels may be based upon the amount and kind of education and years of experience working in the field as an addiction counselor;

(6) The establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions and rules of sections 337.800 to 337.830, and shall promptly and formally notify the Missouri Addiction Counselors Association, Inc., or such subsequent equivalent professional addiction counselor association, when such action is initiated;

(7) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing and acting pursuant to the constitution or laws of this state;

(8) Establishment of a policy and procedure for licensing by reciprocity with other states, countries, or U.S. territories, including those that do not have addiction counselor licensing laws or whose addiction counselor certification or licensing laws are not substantially the same as those of this state;

(9) The form and content of current ethical standards for addiction counselors, as that term is used in subdivision (15) of subsection 2 of section 337.818; and

(10) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.800 to 337.830.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

337.818. 1. The board may refuse to issue or renew a license pursuant to sections 337.800 to 337.830 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any

license issued pursuant to sections 337.800 to 337.830, or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Unlawful use of any controlled substance, as defined in chapter 195, RSMo, or any alcoholic beverage to the extent that such use impairs a person's ability to effectively and ethically engage in the practice of addiction counseling; except the fact that a person has undergone treatment for past use, abuse, dependency, or addiction or has participated in a recovery or 12-Step program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States federal law or the laws of another country or United States territory, for any offense reasonably related to the qualifications, functions, or duties of a licensed addiction counselor, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, regardless of whether sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 337.800 to 337.830, or in obtaining permission to take any examination given or required pursuant to sections 337.800 to 337.830;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Clearly defined and provable gross incompetence, gross misconduct, gross negligence, deliberate fraud, gross misrepresentation, or deliberate dishonesty in the performance of the functions or duties of a licensed addiction counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.800 to 337.830, or of any rule promulgated pursuant to sections 337.800 to 337.830;

(7) Impersonation of any person holding a license or allowing any person to use their license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice addiction counseling granted by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice addiction counseling who is not licensed or is not currently eligible to practice pursuant to sections 337.800 to 337.830;

(11) Obtaining a license based upon a deliberate, material misstatement of

fact;

(12) Failure to display a valid license if so required by sections 337.800 to 337.830, or any rule promulgated thereunder;

(13) Deliberate and unethical violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is provably false, deliberately misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Violation of the current ethical standards for licensed addiction counselors as defined by board rule.

3. Any person, organization, association, or corporation reporting or providing information to the board pursuant to sections 337.800 to 337.830, showing just cause and acting in good faith without malice, shall not be subject to an action for civil damages as a result.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years or revoke the person's license.

337.821. 1. Any person who violates the provisions of sections 337.800 to 337.830 is guilty of a class B misdemeanor.

2. Upon conviction, all fees or other compensation received for services that were rendered in violation of sections 337.800 to 337.830 shall be refunded.

3. The division, on behalf of and with the consent of the board, may sue in its own name in any court in this state. The division shall inquire as to any violation of sections 337.800 to 337.830, and may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 337.800 to 337.830.

4. Upon application by the board, the attorney general may, on behalf of the board, request that a court of competent jurisdiction grant an injunction, restraining order, or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit, or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit, or license;

or

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit, or license issued pursuant to sections 337.800 to 337.830, upon a showing that the holder presents a substantial probability of serious harm to the health, safety, or welfare of any resident of this state, or client or patient of the licensee.

5. Any action brought pursuant to this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 337.800 to 337.830, and may be brought concurrently with other actions to enforce the provisions of sections 337.800 to 337.830.

337.824. Any person licensed pursuant to sections 337.800 to 337.830 shall not disclose any information acquired from individuals consulting such person in his or her professional capacity or be compelled to disclose such information except:

(1) In accordance with 42 CFR, Part 2, and with the written consent of the client, or if underage, the client's parent or legal guardian, or in the case of the client's death or incapacity, the client's personal representative, attorney, or other person authorized to sue or the beneficiary of any insurance policy on the client's life, health, or physical condition;

(2) When the person automatically waives the privilege by filing suit or bringing charges against the licensee;

(3) When the licensee is collaborating or consulting with professional colleagues, legal counsel, or any administrative superiors on behalf of the client;

(4) In the event of a legitimate emergency such as threatened or attempted suicide, perceived or threatened endangerment to the client, counselor, or program staff and property or any similar situation which might require immediate assistance from law enforcement or related emergency services.

337.827. 1. There is hereby established the "State Board of Licensed Addiction Counselors" which shall guide, advise, and make recommendations to the division and fulfill all other responsibilities designated in sections 337.800 to 337.830 that pertain to addiction counselors. The duties and responsibilities of the board of licensed addiction counselors shall not take full force and effect until January 1, 2005.

2. The state board of licensed addiction counselors shall be appointed by the governor with the advice and consent of the senate and shall consist of eleven members that are United States citizens and residents of Missouri. Of these eleven

members, four shall be public members having no monetary, professional, or political connection to the field of addiction counseling or any other behavioral health profession and seven shall be licensed addiction counselors who, of the seven, not more than three may have multiple behavioral health or closely related licenses, and shall constitute the credentials subcommittee for licensed addiction counselors; except that, the licensing requirement, with exception to the requirement regarding multiple license as above, shall not apply to the addiction counselor members eligible to be licensed who are initially appointed to the board. The addiction counselor members initially appointed must be eligible for licensing within twelve months following appointment to the board and shall ultimately become licensed addiction counselors to maintain eligibility as a member of the board and shall not be licensed in any other behavioral health or closely related profession. All licensed addiction counselor members of the board shall have only singular licensing as an addiction counselor.

3. Four members of the credentials subcommittee and three public members of the initial board shall be appointed by the governor with the advice and consent of the senate to serve a term of four years and the remaining members of the initial board shall be appointed for a term of two years. Thereafter, all members shall be appointed by the governor with the advice and consent of the senate to serve four-year terms. No person shall be eligible for reappointment who has served as a member of the board for a total of eight years. The membership of the board shall reflect the differences in levels of education and work experience with equal consideration being given to race, gender, and ethnic origins. No more than one counselor educator shall be a member of the board at the same time. No more than one member of the Missouri Addiction Counselors Certification Board, Inc., or subsequent equivalent certification or registration body, shall be a member of the board at the same time. No current member of any closely related behavioral health or similar professional board or commission shall be a member of the licensed addiction counselors board concurrently.

4. Each public member, at the time of such member's appointment, shall be a citizen of the United States; a resident of this state for a period of at least one year and a registered voter; a person who is not and never has been a member of any profession licensed or regulated by this chapter or any closely related behavioral health profession, or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter or any closely related behavioral health profession, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter or closely related

behavioral health profession, or the spouse of such person.

5. Each member of the board shall receive as compensation an amount set by division rule and initially not less than one hundred fifty dollars, subject to increase or decrease through periodic review by the division, for each eight hour day devoted to the affairs of the board including meeting and conference attendance, meeting preparation and travel time, and activities relating to the board and subject to validation and approval by the director of the division. The division shall provide a meeting facility, per diem, and all staff for the board.

6. The division may, at the request of, or with the consent of, the board by two-thirds majority vote in favor, contract with an executive director for the board, who shall have the qualifications and ability to fulfill the duties of said position, as defined by the board in collaboration with the division but, only after the division has determined the overall fiscal value of such action. Such contractor shall not be required to provide office space to the state but may fulfill their function from a virtual office through computer Internet or similar technology. At the option of the board and with a two-thirds majority vote in favor, the sharing of executive director services with such other licensed behavioral health professions as may be interested and could benefit from such an arrangement, may be determined by the board. Termination of such contractor for just cause and replacement shall be handled in the same manner as described in the foregoing and as may be further defined by the board.

337.830. 1. There is hereby created the "State Board of Licensed Addiction Counselors Fund" in the state treasury. All moneys collected by the board shall be deposited in the fund.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriations from the state board of licensed addiction counselors fund for the preceding fiscal year. The amount, if any, in the fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of the appropriations from the state board of licensed addiction counselors fund for the preceding fiscal year.